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TAGS: [EWWT](#) [MOPS](#) [PHSA](#) [PREL](#) [XA](#) [XW](#) [SO](#) [KE](#)
SUBJECT: DEMARCHE: COUNTER-PIRACY COOPERATION

SUMMARY

11. This is an action request. Please see paragraph 2.

OBJECTIVES

12. Department requests Post expand discussion with the Government of Kenya (GOK) on deepening cooperation with the United States to counter piracy in the Gulf of Aden and off the coast of Somalia. Post is requested to pursue the following objectives:

-- Note that piracy directly impacts on regional trade and security, and that ransom monies may be contributing to conflict and continued instability in Somalia.

-- Assess GOK willingness to expand bilateral cooperation with the United States to strengthen Kenyan maritime operational and judicial capacities.

-- Express appreciation for strong U.S.-Kenya cooperation in the 2006 M/V SAFINA AL BISARAT case, in which Kenyan authorities prosecuted Somali piracy suspects arrested by the United States.

-- Note that Kenya could play an important regional leadership role in combating piracy in the Horn of Africa by participating in counterpiracy operations and prosecuting suspected pirates.

-- Inquire into GOK willingness to support implementation of UN Security Council Resolutions 1816 and 1838 and international counterpiracy operations, especially by prosecuting piracy suspects detained in counterpiracy operations in international waters in the Gulf of Aden or in waters off the coast of Somalia.

-- Draw Kenya's attention to articles 7 and 8 of the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), to which it is already party. SUA obliges coastal State Parties to accept custody of and extradite or prosecute SUA offenders, including pirates, unless Parties can articulate why the Convention is not applicable. Note that the Convention provides an existing framework for the disposition of interdicted pirates in the region. If Kenya demonstrates leadership in proceeding under this concept, the eight other contracting parties to SUA in the region might similarly be persuaded to take action consistent with existing obligations. Likewise, many of the victim flag and crew States may be in a position to extradite under SUA if Kenya and other regional States are willing to receive pirate defendants ashore.

-- Inquire into GOK intentions to engage in counterpiracy operations, including protection of World Food Program deliveries to Somalia, in light of Kenyan Minister for

Foreign Affairs Moses Wetangula's October 8 announcement that the Kenyan Navy will be joining in international counterpiracy efforts in the Horn of Africa.

-- Provide information on other potential donor partners who can assist Kenya with developing judicial capacities and supporting maritime operations or capacity development.

BACKGROUND

13. The growth of piracy in the Gulf of Aden and in waters off the coast of Somalia has emerged as a serious threat to international commerce, the safety of mariners, and the delivery of humanitarian assistance to Somalia. Pirate attacks in these waters have more than doubled since 2007. Pirates are now receiving million-dollar ransoms for hijacked vessels and are becoming more aggressive and assertive at sea.

14. Funds generated from ransoms may be contributing to conflict and supporting continued instability in Somalia. Piracy is also threatening the fragile delivery of humanitarian assistance to Somalia, as commercial vessel operators have refused to deliver World Food Program (WFP) commodities to Mogadishu without naval escorts to deter piracy.

15. Kenya has previously prosecuted Somali piracy suspects arrested by the United States. In January 2006, the USS Winston Churchill captured 10 Somali pirates who attacked the M/V DELTA RANGER and who had also hijacked the cargo dhow SAFINA AL BISARAT several days earlier. A disposition agreement was negotiated within 48 hours and the suspects were brought to Mombasa several days later. In October 2006, the pirates were convicted and sentenced to seven years in Kenyan prison.

16. UN Security Council Resolution 1816 calls for international cooperation in combating piracy and armed robbery at sea in waters off the coast of Somalia, and provides authorization for countries cooperating with Somalia's Transitional Federal Government to enter Somali territorial waters and to use all necessary means to repress piracy and armed robbery at sea. Resolution 1838 calls upon States and regional organizations to coordinate in implementation of Resolutions 1814 and 1816.

REPORTING DEADLINE

17. (U) Department greatly appreciates Post's continued support and assistance. Department requests action addressee report on results of efforts by front-channel cable slugged for AF/RSA Jun Bando, AF/RSA Col. Michael Skardon and AF/E Maria Beyzerov by October 27.

DEPARTMENT POINTS OF CONTACT

18. Please contact AF/RSA Jun Bando at (202) 647-4781, AF/RSA Col. Michael Skardon at (202) 647-7371, or AF/E Maria Beyzerov at (202) 647-6453 or via e-mail for any necessary further background information or argumentation to meet demarche objectives.
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